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OFFICE OF PETITIONS

FAX TRANSMISSION**DATE:** January 28, 2008**PTO IDENTIFIER:** Application Number 10/714,858-Conf. #3722
Patent Number**Inventor:** Bor-Jen WU**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** BIRCH, STEWART, KOLASCH & BIRCH, LLP

Shay Canfield

PHONE: (703) 205-8000**Attorney Dkt. #:** 4444-0275PUS1**PAGES (Including Cover Sheet):** 5**CONTENTS:** Fax Cover Sheet (1 page)
Certificate of Transmission (1 page)
Notification of Erroneous Payment of Small Entity Fees (2 page)
Fee Transmittal (1 page)
Authorization to charge Deposit Account No. 02-2448 in the amount of \$720.00

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BIRCH, STEWART, KOLASCH & BIRCH, LLP8110 Gatehouse Road, Suite 100 East, P.O. Box 747, Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 **Facsimile:** (703) 205-8050

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PTO/SB/67 (08-04)

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U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application No. (if known): 10/714,858

Attorney Docket No.: 4444-0275PUS1

Certificate of Transmission under 37 CFR 1.8

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JAN 28 2008

2008 FEB -5 PM 4:11

Docket No.: 4444-0275PUS1
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Bor-Jen WU

Application No.: 10/714,858

Filed: November 18, 2003

For: METHOD FOR FORMING AN OPTO-
ELECTRONIC DEVICE

Confirmation No.: 3722

Art Unit: 2891

Examiner: C. EVERHART

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OFFICE OF PETITIONS**NOTIFICATION OF ERRONEOUS PAYMENT OF SMALL ENTITY FEES UNDER 37
C.F.R. § 1.28 AND LOSS OF ENTITLEMENT OF SMALL ENTITY STATUS UNDER 37
C.F.R. § 1.27(G)(2)**828A1501 844550 00000000
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-145002/06/2008 DALLEN 00000007 022448 10714858
Sale Ref: 00000040 DAI: 022448 10714858
01 FC:4461 720.00 DA

Sir:

It is respectfully noted that the above-identified application no longer qualifies for small entity status under 37 C.F.R. § 1.27(a).

Small entity status was established with the filing of the application on November 18, 2003, and the small entity filing fees were properly paid. However, after the application was filed but prior to payment of the issue fee, the status of the assignee changed. The application therefore did not qualify for small entity status at the time the issue fee was paid.

It is therefore respectfully requested that the error be excused. The following items are being submitted to comply with the requirements of 37 C.F.R. 1.28(c):

- (1) Separate submission for each application or patent.

This request is being submitted in connection with U.S. Application No. 10/714,858.

Birch, Stewart, Kolasch & Birch, LLP

KM/ASC/

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Application No.: 10/714,858

Docket No.: 4444-0275PUS1

(2) Payment of deficiency owed.

(i) A \$720.00 small entity issue fee was paid on January 16, 2008, as authorized to be charged to Deposit Account No. 02-2448. Accordingly, the deficiency owed is \$720.00.

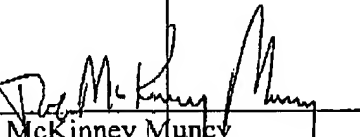
(ii) As payment of the deficiency owed, the U.S. Patent and Trademark Office is authorized to charge the undersigned's Deposit Account No. 02-2448 in the amount of \$720.00.

It is again noted that the failure to notify the U.S. Patent and Trademark Office of the change in entity status at the time the issue fee was paid was made in error, without the intent to deceive. As it is believed that the requirements of 37 C.F.R. § 1.28(c)(1) and (c)(2) have been met, it is respectfully requested that the error be excused and that the U.S. Patent and Trademark Office forward appropriate notification to the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: January 28, 2008

Respectfully submitted,

By 

Joe McKinney Muncy

Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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Attorney for Applicant

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JAN 28 2008

PTO/SB/17 (10-07)

Approved for use through 06/30/2010. OMB 0851-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<p>Effective on 12/09/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4810).</p> <p>FEE TRANSMITTAL For FY 2008</p>		<p>Complete if Known</p>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/714,858-Conf. #3722
TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	November 18, 2003
		First Named Inventor	Bor-Jen WU
		Examiner Name	C. Everhart
		Art Unit	2891
		Attorney Docket No.	4444-0275PUS1

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2448</u> Deposit Account Name: <u>Birch, Stewart, Kolasch & Birch, LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION																				
1. BASIC FILING, SEARCH, AND EXAMINATION FEES																				
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES															
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)													
Utility	310	155	510	255	210	105														
Design	210	105	100	50	130	65														
Plant	210	105	310	155	160	80														
Reissue	310	155	510	255	620	310														
Provisional	210	105	0	0	0	0														
2. EXCESS CLAIM FEES																				
Fee Description							Small Entity Fee (\$)													
Each claim over 20 (including Reissues)							50													
Each independent claim over 3 (including Reissues)							210													
Multiple dependent claims							370													
<table border="0"> <tr> <td><u>Total Claims</u></td> <td><u>Extra Claims</u></td> <td><u>Fee (\$)</u></td> <td><u>Fee Paid (\$)</u></td> </tr> <tr> <td>28</td> <td>33</td> <td>x</td> <td>=</td> </tr> </table>							<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	28	33	x	=	<table border="0"> <tr> <td colspan="2"><u>Multiple Dependent Claims</u></td> </tr> <tr> <td><u>Fee (\$)</u></td> <td><u>Fee Paid (\$)</u></td> </tr> </table>		<u>Multiple Dependent Claims</u>		<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>																	
28	33	x	=																	
<u>Multiple Dependent Claims</u>																				
<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>																			
HP = highest number of total claims paid for, if greater than 20.																				
<table border="0"> <tr> <td><u>Indep. Claims</u></td> <td><u>Extra Claims</u></td> <td><u>Fee (\$)</u></td> <td><u>Fee Paid (\$)</u></td> </tr> <tr> <td>1</td> <td>3</td> <td>x</td> <td>=</td> </tr> </table>							<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	1	3	x	=						
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>																	
1	3	x	=																	
HP = highest number of independent claims paid for, if greater than 3.																				
3. APPLICATION SIZE FEE																				
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).																				
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>																
	- 100 =	/50 =	(round up to a whole number) x	=																
4. OTHER FEE(S)																				
Non-English Specification, \$130 fee (no small entity discount)																				
Other (e.g., late filing surcharge): 1501 Utility issue fee (fee deficiency payment) 720.00																				

SUBMITTED BY			
Signature	Registration No. (Attorney/Agent)	32,334	Telephone (703) 205-8026
Name (Print/Type)	Joe McKinney Muncy	Date	January 28, 2008

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Birch, Stewart, Kolasch & Birch, LLP